

AMENDED IN SENATE MARCH 22, 2011

**SENATE BILL**

**No. 709**

---

**Introduced by Senator De León**

February 18, 2011

---

An act to ~~amend Section 49452 of~~ *add Section 49453 to* the Education Code, relating to pupil health, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 709, as amended, De León. Pupil health: ~~sight and hearing tests.~~ *comprehensive eye examinations.*

Existing law requires the governing board of any school district to provide for the adequate testing of sight and hearing of each pupil enrolled in the schools of the district by specified persons. *Existing law also requires, upon first enrollment in a school district, and at least every 3rd year thereafter until the child has completed 8th grade, a child's vision to be appraised by the school nurse, a qualified supervisor of health, or other specified person, and requires this evaluation to include tests for visual acuity and color vision, as specified. If a defect is noted by the supervisor of health, or his or her assistant, existing law requires a report to be made to the parent or guardian of the child that asks the parent or guardian to take such action as will cure or correct the defect.*

~~This bill would make technical, nonsubstantive changes to that provision.~~

*This bill would create the Voluntary Children's Vision Educational Fund in the State Treasury for the purpose of funding projects that help educate parents and guardians about the need for children to receive comprehensive eye examinations prior to entering school. The bill would require the fund to consist of specified money received by the state on*

*a voluntary basis and would provide that all money in the fund is continuously appropriated to the State Department of Education without regard to fiscal years for expenditure by the Superintendent of Public Instruction for carrying out the purposes of this act. By establishing a continuously appropriated fund, this bill would make an appropriation.*

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) One in four schooled children have some form of vision*  
4     *problem. Without a comprehensive eye examination before they*  
5     *enter school, many children will suffer from undetected vision*  
6     *problems, and some may even be misdiagnosed as having a*  
7     *learning disorder.*

8     *(b) Approximately 80 percent of what a child learns is directly*  
9     *related to vision. Comprehensive eye examinations ensure that*  
10    *children can get the education they need to succeed in life.*  
11    *According to the federal Centers for Disease Control and*  
12    *Prevention, impaired vision can affect a child's cognitive,*  
13    *emotional, neurological, and physical development by potentially*  
14    *limiting the range of experiences and kinds of information to which*  
15    *the child is exposed.*

16    *(c) Studies have demonstrated a clear link between delinquent*  
17    *behavior and uncorrected vision. Pupils may not realize that they*  
18    *cannot see well and instead believe that they are unable to learn,*  
19    *leading them to give up on school. A study at one high school in*  
20    *Maryland found that 98 percent of those classified as juvenile*  
21    *delinquents suffered from a visual condition.*

22    *(d) According to the National Institutes of Health, vision*  
23    *screening methods detected only 40 to 65 percent of children's*  
24    *vision disorders. Comprehensive eye examinations are necessary*  
25    *to detect problems that a simple screening can miss, such as eye*  
26    *coordination, eye diseases, moderate amounts of farsightedness,*  
27    *astigmatism, and the internal health of the eye.*

28    *(e) Obtaining a comprehensive eye examination prior to entering*  
29    *school ensures that California pupils get the eye care they need*

1 *to see well and stay healthy so they can fully participate in their*  
2 *education.*

3 *SEC. 2. Section 49453 is added to the Education Code, to read:*

4 *49453. The Voluntary Children's Vision Educational Fund is*  
5 *hereby created in the State Treasury for the purpose of funding*  
6 *projects that help educate parents and guardians about the need*  
7 *for children to receive comprehensive eye examinations prior to*  
8 *entering school. The fund shall consist of money received by the*  
9 *state on a voluntary basis from the federal government, individuals,*  
10 *businesses, organizations, industry, and other sources for the*  
11 *purposes of this section. Notwithstanding Section 13340 of the*  
12 *Government Code, all money in the fund is continuously*  
13 *appropriated to the department without regard to fiscal years for*  
14 *expenditure by the Superintendent, in consultation with the*  
15 *department, for carrying out the purposes of this section.*

16 *SECTION 1. Section 49452 of the Education Code is amended*  
17 *to read:*

18 ~~49452. The governing board of a school district shall, subject~~  
19 ~~to Section 49451, provide for the testing of the sight and hearing~~  
20 ~~of a pupil enrolled in a school of the district. The test shall be~~  
21 ~~adequate in nature and shall be given only by duly qualified~~  
22 ~~supervisors of health employed by the district; or by certificated~~  
23 ~~employees of the district or of the county superintendent of schools~~  
24 ~~who possess the qualifications prescribed by the Commission for~~  
25 ~~Teacher Preparation and Licensing; or by contract with an agency~~  
26 ~~duly authorized to perform those services by the county~~  
27 ~~superintendent of schools of the county in which the district is~~  
28 ~~located, under guidelines established by the State Board of~~  
29 ~~Education; or accredited schools or colleges of optometry,~~  
30 ~~osteopathic medicine, or medicine. The records of the tests shall~~  
31 ~~serve as evidence of the need of the pupils for the educational~~  
32 ~~facilities provided physically handicapped individuals. The~~  
33 ~~equipment necessary to conduct the tests may be purchased or~~  
34 ~~rented by governing boards of school districts. The state, any~~  
35 ~~agency, or political subdivision thereof may sell or rent any such~~  
36 ~~equipment owned by it to the governing board of a school district~~  
37 ~~upon terms as may be mutually agreeable.~~